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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of Group Art Unit: 2165
Steven C. Robertson
Serial No.: 09/324,601 Examiner: Fadok, Mark A.
Filed on: 06/02/99
Title: System and Method for Providing Electronic Multi-Merchant Gift Certificate
& Contribution Brokering Services Over a Distributed Network

Assistant Commissioner for Patents
Washington DC 20231



23475

PATENT TRADEMARK OFFICE

Dear Sir:

Applicant responds to the Office action dated 01/30/02 to which a response is due 4/30/02. No extension of time is required for consideration of this response.

Claim Rejections - 35 U.S.C. § 102

A. The Examiner rejected claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Von Bergen and in view of US 5,953,710, herein referred to as Fleming.

Von Bergen et al was published 04 December 1998, less than the 1 year from the filing date of this application. Therefore, Von Bergen et al. is not properly applied against this application under §102(b). Therefore applicant requests the Examiner withdraw this rejection of claims 1-18 under § 102(b) in view of Von Bergen et al.

Notwithstanding the inapplicability of Von Bergen et al. under §102(b), Von Bergen does not anticipate the claims specified.

In regards to claim 1, although Von Bergen teaches a central location for controlling the gift certificate process and a series of remote locations as noted by the Examiner, the cited reference in combination with Fleming makes no reference of manufacturer information being stored – only retail merchants. Likewise, Fleming talks about the issuer of the credit card (i.e. bank) maintaining transaction information (col. 6, lines 7-19), not the system being described by Fleming. In addition, the combination does not imply in